

**Subcommittee on Africa, Global Human Rights and International Operations  
Prepared Statement of Rep. Christopher H. Smith, Chairman**

**The UN Commission on Human Rights: Protector or Accomplice?**

**April 19, 2005**

The Subcommittee will come to order. I am pleased to convene this hearing of the Subcommittee on Africa, Global Human Rights and International Operations. Today we will be examining the important and highly relevant topic of reform of the United Nations' human rights institutions.

The promotion and protection of human rights has been a core task of the United Nations since its founding in 1945. The UN Charter created the Economic and Social Council (ECOSOC) and its subsidiary body, the Commission on Human Rights, and tasked them to make studies and recommendations on social issues, including "the respect for, and observance of, human rights and fundamental freedoms for all."

One of the first tasks of the UN Commission on Human Rights was the drafting of the Universal Declaration of Human Rights, generally recognized as the most authoritative global definition of international human rights, and the foundation for the development and codification of several binding UN international human rights treaties.

The Preamble of the Universal Declaration stated that "...the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women...", and that Member States have "...pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms."

Fifty-seven years later, it is appropriate and necessary to examine whether the institutions of the United Nations and their functioning are fulfilling not only the goals and founding ideals of the world body, but contributing to the compliance of Member States with their international legal obligations in this arena.

The Commission on Human Rights has come under increasing criticism in recent years from numerous quarters. A UN High-level Panel in December 2004 concluded that the UNCHR's credibility and professionalism had been undermined, due to the active undermining of the work of the Commission by members with poor human rights records. Last month, UN Secretary General Kofi Annan told the Commission that "unless we re-make our human rights machinery, we may be unable to renew public confidence in the United Nations itself."

Indeed, last month I was in Geneva at the Human Rights Commission and witnessed the spectacle myself. There was no resolution on Zimbabwe, called an "outpost of tyranny" by Secretary Rice. There was no resolution on Turkmenistan, the

most repressive of the 55 countries of the OSCE and whose government bulldozes mosques, tortures Christians, and closes rural hospitals. And there was no resolution on China, a country whose coercive population policies have impacted every family in the country.

Resolutions against Belarus and Cuba were thankfully approved last week, but only after a full-court lobbying press by the U.S. delegation, which included personal pleas from President Bush to the Presidents of Ukraine and Mexico. The American Bar Association task force on the reform of the CHR notes, “Only the most politically isolated states are subject to censure by the Commission, resulting in a near immunity for Middle Eastern and African States, as well as Russia and China.”

Even the UN High Commissioner for Human Rights, Louise Arbour, told me that she believes the atmosphere in the CHR is “surreal,” and that there is “no intellectual engagement or serious consideration of the issues.” The current model is ill-suited to its tasks, she noted, in which the Commission is both an adjudicator and implementer of human rights. She concluded, “the process needs to re-invent itself.”

Today, one of our witnesses is Bob Fu, President of the China Aid Association. Mr. Fu was physically expelled from the Commission earlier this month, when Chinese delegates objected that they felt “threatened” by the electric shock device Mr. Fu was showing to demonstrate how China tortures its prisoners. Mr. Fu’s UN credentials were taken away before an investigation of the incident had even been undertaken. Mr. Fu, we thank you for being here today – for your willingness and that of Women’s Voice International, who sponsored you in Geneva - to continue to speak out about the abuses of the Chinese laogai.

But it is not just the Commission on Human Rights that is broken. Other UN bodies have also strayed from their core mandates and failed to act on severe human rights violations. For example, the so-called “right” to abortion is promoted, while the obligation to protect the life of the unborn child is ignored. This was the case when the UN Human Rights Committee, during its consideration of Kenya’s second periodic report on compliance with the International Covenant on Civil and Political Rights in March, tried to bully Kenya to legalize abortion. In Poland in November 2004, the High Commissioner for Human Rights adopted among its concluding observations that “the State party should liberalize its legislation and practice on abortion.” Peru received similar treatment in June of 2004 from the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. It is the ultimate oxymoron – that abortion be construed to be a fundamental human right. Abortion is violence against children, and chemical poisoning and dismemberment of the fragile body of an unborn child can never be construed to be a compassionate, sane or benign act. It is an act of violence and a human rights abuse, and it also exploits women.

The purpose of this hearing today is to examine how and why the UN is no longer protecting and promoting the core human rights enshrined in the UN Charter and

Universal Declaration. It is also to analyze the reform proposals that have been put on the table.

Several of the reform proposals put forward have merit, and bear further consideration as the Congress proceeds in the development of legislation on the United Nations. To name a few, the practice of blind voting in ECOSOC needs to be scrapped, which has led to the election on the Commission of countries like Cuba, Sudan, Zimbabwe, and China. Countries under UNSC sanction should not be given leadership positions on human rights issues. The role of NGOs, which are the fearless eyes and ears in so many places around the world, needs to be strengthened. The activities of the High Commissioner for Human Rights should be better targeted and focus on training and reporting in the field. Finally, the Democracy Caucus needs to be bolstered as a counterweight to other alliances of non-democratic states.

We have two outstanding panels today, which will present views from the State Department and from NGOs which have been diligently studying this issue. Before proceeding to Panel II, we will recess to receive a briefing from UN Assistant Secretary General for Political Affairs, Danilo Turk, on the Secretary General's plan for reform in the human rights arena.

In conclusion, I look forward to hearing the views of all of our witnesses. As we proceed, let us keep in mind that human rights cannot be abridged on account of race, color, creed, gender, age or condition of dependency. Inclusiveness means everyone, and perhaps especially the inconvenient – the unborn child or the dissident or the believer in another religious tradition. The right to life, religion, speech, assembly and due process are the pillars of a free, sane and compassionate society.